

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|-----------------------------------|---|--------------------------------|
| MARCUS ORLANDO TATE, #180664, |) | |
| a/k/a MARCUS ORLANDO TAITE, |) | |
| a/k/a DR. EJIJAH J. MUHAMMED, II, |) | |
| a/k/a DREJIAH JOSHUA MUHAMMAD, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 2:09cv222-TMH |
| |) | (WO) |
| D.T. Marshall <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

OPINION and ORDER

This litigation is now before the court on the recommendations of the United States Magistrate Judge entered on March 25, 2009 (docs. # 8 & 9), that the plaintiff's motion for class certification be denied and this case be dismissed without prejudice for the plaintiff's failure to pay the full filing fee upon the initiation of this case. After a review of the recommendations, to which no timely objections have been filed, and after an independent review of the entire record, the court believes that the recommendations should be adopted. Accordingly, it is

ORDERED and ADJUDGED as follows:

1. That the Recommendations of the Magistrate Judge be and are hereby
ADOPTED
2. That the plaintiff's motion to certify a class be and is hereby DENIED.

3. That this case be and is hereby DISMISSED without prejudice for the plaintiff's failure to pay the requisite filing fee upon the initiation of this case.

An appropriate judgment will be entered.

Done this the 23rd day of April 2009.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE